

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Civil Action No.: 3:11-cv-01104-JFA

A.A.O. Investments, Inc.

Plaintiff,

vs.

Safeco Insurance Company of America,

Defendant.

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Safeco Insurance Company of America,

Third-Party Plaintiff,

vs.

Ophelia Rattary,

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Third-Party Defendant.

**ORDER**

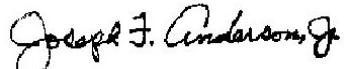
THIS CASE COMES BEFORE this Court on the application of the Third-Party Plaintiff for a judgment by default against Third-Party Defendant, Ophelia Rattary and on the Third-Party Defendant Ophelia Rattary's Motion to Set Aside Default and to Dismiss Third-Party Action and to Allow Third-Party Defendant to File an Answer and Counterclaim. The parties have reached a resolution of these motions. Specifically, the parties agree that Ophelia Rattary is a person required to be joined under Fed. R. Civ. P. Rule 19(a)(1)(B). The parties have further agreed that Ophelia Rattary should be re-aligned as a Plaintiff in this matter rather than appear as a Third-Party Defendant. Accordingly, Third-Party Plaintiff has agreed to withdraw its motion for default judgment against Ophelia Rattary, rendering Third-Party Defendant Ophelia Rattary's

Motion to Set Aside Default and to Dismiss Third-Party Action and to Allow Third-Party Defendant to File an Answer and Counterclaim moot.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- (1) The entry of default against Ophelia Rattary shall be stricken from the docket;
- (2) The Third Party Complaint is deemed stricken and need not be answered. If Ms. Rattary wishes to assert her position in this action, she should do so in a new complaint filed and served on Safeco. Safeco may respond as it deems appropriate.
- (3) The caption shall be amended to remove Ophelia Rattary as a Third Party Defendant in this matter;
- (4) Both Safeco Insurance Company of America's Motion for a Judgment by Default against Ophelia Rattary and Ophelia Rattary's Motion to Set Aside Default and to Dismiss Third-Party Action and to Allow Third-Party Defendant to File an Answer and Counterclaim are hereby moot.
- (5) Each party shall bear their own costs.
- (6) The hearing set for September 2, 2011 is cancelled, and the Clerk shall mark the motions (ECF Nos. 18 & 19) moot.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.  
United States District Judge

September 1, 2011  
Columbia, South Carolina